

REMARKS

At the time of the Final Office Action dated September 30, 2008, claims 1-7 were pending in this application. Of those claims, claim 2 has been cancelled. Applicants acknowledge, with appreciation, the Examiner's indication of allowable subject matter in claims 2-3.

Applicants appreciate the telephonic interview conducted on December 10, 2008 with the Examiner, during which agreement was reached with respect to Applicants' proposed Amendment to put the claims in condition for allowance. To wit, Applicants will amend claim 1 to include the allowable subject matter of claim 2, cancel claim 2, and amend claim 3 to depend from amended claim 1.

Previously, Applicants cancelled claims 8 through 21 to remove these claims from further consideration in this application. Applicants are not conceding in this application that those claims are not patentable over the art cited by the Examiner, as the previous claim cancellations were only for facilitating expeditious prosecution of the allowable subject matter noted by the Examiner. Applicants respectfully reserved the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

**CLAIMS 1, 4-7 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON
NGUYEN ET AL., U.S. APPLICATION PUBLICATION NO. 2004/0193865 (HEREINAFTER NGUYEN)
IN VIEW OF NEVIS ET AL, U.S. PATENT NO. 6,581,159 (HEREINAFTER NEVIS)**

Claim 1 has been amended to include the allowable subject matter of claim 2, and thus, the Examiner's rejection of these claims 1, 4-7 is moot.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction. (emphasis added)

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500563, and please credit any excess fees to such deposit account.

Date: December 10, 2008

Respectfully submitted,

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